

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY SMITH,
Petitioner,

v.

S PEARMAN,
Respondent.

Case No. [19-cv-03683-SI](#)

**ORDER DENYING MOTION FOR
RECONSIDERATION**

Re: Dkt. No. 8

Petitioner's "motion for review: mandation [sic] of issuing the writ" is construed to be a motion for reconsideration of the order of dismissal. Docket No. 8. A motion for reconsideration under Federal Rule of Civil Procedure 59(e) "should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the law." *McDowell v. Calderon*, 197 F.3d 1253, 1255 (9th Cir. 1999) (citation omitted) (en banc). Petitioner's motion does not show newly discovered evidence, clear error by the Court, or an intervening change in the law; rather, the motion reflects nothing more than disagreement with the Court's order of dismissal and judgment. The motion for reconsideration therefore is DENIED. Docket No. 8.

IT IS SO ORDERED.

Dated: November 5, 2019



SUSAN ILLSTON
United States District Judge